

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JOSEPH MCCULLOUGH,

Plaintiff,

v.

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

No. 2:21-cv-02099-JDP (SS)

SCHEDULING ORDER

This action was stayed pending the filing of the administrative record under General Order Number 615. *See* G.O. 615 ¶¶ 6, 10. On March 3, 2022, defendant filed a copy of the administrative record.

Accordingly, it is hereby ordered that:

1. The stay is lifted.
2. Within 45 days of service of the administrative record, plaintiff shall file a motion for summary judgment.
3. Within 45 days of service of plaintiff's opening brief, defendant shall file a responsive brief as well as any cross motions.
4. Within 15 days of filing of defendant's brief, plaintiff may file the optional reply brief and shall respond to any cross motions.
5. If a Fed. R. Civ. P. 12 motion to dismiss is warranted, defendant shall file a motion to dismiss in lieu of filing the administrative record. Such motion to dismiss shall be filed within 120

1 days of service of the complaint. The opposing brief shall be filed within 14 days of service of the
2 motion. The reply brief shall be filed within seven days of service of the opposition brief. The motion
3 to dismiss need not be noticed for hearing.

4 6. Any motions for attorney fees shall be filed within 30 days of entry of final judgment.
5 If any motion for attorney fees is not stipulated by the parties, the nonmoving party must file an
6 opposition or statement of non-opposition within 30 days.

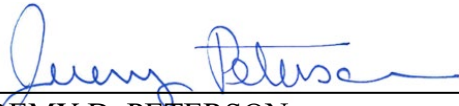
7 7. All references to the record and all assertions of fact must be accompanied by citations
8 to the record. The parties' briefs should not include recitations of the facts. Instead, the parties should
9 focus on addressing arguments. Arguments in support of or in opposition to each claim of error must
10 be supported by citations to legal authority and explanations of the application of such authority to the
11 facts. Briefs that do not substantially comply with these requirements may be stricken.

12 8. Requests for modification of this briefing schedule will not routinely be granted. Any
13 such request must be made by motion—preferably stipulated—and will be granted only for good
14 cause. A motion for a modification brought on the filing deadline will be looked on with disfavor.
15 Local Rule 144(d).

16 9. Violations of this order or of the federal rules of procedure or the Local Rules may
17 result in sanctions pursuant to Local Rule 110.

18 IT IS SO ORDERED.

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20 Dated: March 17, 2022

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22 JEREMY D. PETERSON
23 UNITED STATES MAGISTRATE JUDGE
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